IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE SEVENTEENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 23568 of 2004

Between:

A. Narasimha, S/o Lingaiah,
Ramannapet Mandal of Nalgonda District.

..... PETITIONER

AND

1 The District Collector (Panchayat Wing), Nalgonda.
2 The Divisional Panchayat Officer, Bhongir, Nalgonda District.

..RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ or order or direction more in the nature of writ of mandamus declaring the impugned order of the respondent No.1 issued in his Proceedings No. 755/2004-A1(Pts) dt. 26-10-2004 in restricting the cheque drawing power of the petitioner with immediate effect and subsequent notice of respondent No.2 issued vide enquiry notice No. 150/2004-B (Pts) dated 13-12-2004 without complying order dated 17-11-2004 in W.P.No. 20967/2004 as illegal, arbitrary, unjust, unconstitutional and violative of the Provisions of the A.P. Panchayat Raj Act, 1994 besides being violative of principles of natural justice; while issuing a consequential direction to the respondents to restore the cheque drawing power to the petitioner forthwith in the interest of justice and pass such other order or orders

Counsel for the Petitioner:MR.D.GOVARDHANACHARY

Counsel for the Respondent No.: GP FOR PANCHAYAT RAJ & RURAL DEV.

The Court made the following :

ORDER:

This writ petition is filed to declare the action of the 1st respondent in restricting the cheque drawing power of the petitioner with immediate effect and the subsequent action of the 2nd respondent in issuing notice of enquiry as arbitrary and illegal and consequently to direct the respondents to restore the cheque drawing power of the petitioner.

Heard the learned counsel for the petitioner and the learned Government Pleader for Panchayat Raj.

The petitioner is a Sarpanch. On a complaint being made by the Ward Members, the cheque drawing powers of the petitioner were restricted by the District Collector, Nalgonda through proceedings No.755/04-A1 (pts) dated 26.10.2004 with immediate effect. Questioning the same, the petitioner has filed W.P.No20967 of 2004. This Court while disposing of the writ petition on 17.11.2004 directed the respondents to provide a copy of the complaint given by the ward members to the petitioner within two weeks from the date of receipt of a copy of the order. The petitioner was also given liberty to file his explanation and on such explanation being filed, the respondents were directed to pass appropriate orders within a period of two weeks thereafter.

The grievance of the petitioner in this writ petition is that the respondents in spite of the directions of this Court in W.P.No.20967 of 2004 have not provided him a copy of the complaint given by the ward members and on the other hand have issued the notice of enquiry dated 13.12.2004.

The learned Government Pleader for Panchayat Raj appearing for the respondents fairly concedes before this Court that a copy of the complaint was not furnished to the petitioner and that now a copy of the complaint will be given him.

In the circumstances, without going into the merits of the case, the writ petition is disposed of directing the respondents to furnish a copy of the complaint given by the ward members to the petitioner within a period of one week from the date of receipt of this order and thereafter the petitioner is given liberty to submit his explanation within a period of two weeks thereafter. On such explanation being submitted, the respondents are directed to consider the same and after conducting enquiry, they are at liberty to pass appropriate orders in accordance with law.

With the above directions, the writ petition is disposed of. No costs.

17..12..2004

Note: Furnish CC by tomorrow

(B/o)

msv.

To

1 The District Collector (Panchayat Wing), Nalgonda.
2 The Divisional Panchayat Officer, Bhongir, Nalgonda District.

3 The Government Pleader for Panchayat Raj, High Court of A.P.

Hyderabad (OUT)

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